

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NATIONAL ABORTION FEDERATION,
Plaintiff,
v.
CENTER FOR MEDICAL PROGRESS, et
al.,
Defendants.

Case No. [15-cv-03522-WHO](#)

ORDER RE DECLARATIONS

Re: Dkt. No. 314

I have reviewed the responses provided by counsel regarding disclosures to Mr. Johnson (Dkt. Nos. 315-317), and have altered the form of the questions and scope of the requirement as shown below. I ORDER that:

All parties, their lawyers, and the employees or agents of the parties and lawyers who have had access to the video or audio recordings covered by the temporary restraining order shall execute declarations under penalty of perjury that answer the following questions:

1. Did you disclose any audio or video recordings covered by the TRO on or after July 31, 2015 to Mr. Johnson and if so, what did you disclose?

2. Do you know the identity of “Patriotgeist,” and if so, who is or are he/she/they?

3. Do you have any information concerning (i) the disclosure of audio or video recordings to Mr. Johnson on or after July 31, 2015 or (ii) who “Patriotgeist” is? If your answer is yes to either or both questions, what is that information?

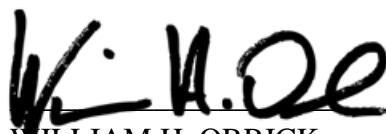
The declarations shall be designated as “Attorney’s Eyes Only” under the Protective Order in this case and shall be filed under seal on or before January 18, 2015.

To be clear, third-parties are not covered by the requirement to submit declarations, but any person who had access to the audio or video recordings covered by the TRO through the parties or counsel *and* who was working at the direction of the parties or counsel (*e.g.*, staff,

1 contractors, investigators, or other agents) must submit declarations. Question number 3 includes
2 publicly available information if known by the declarant and also includes information that the
3 declarant might contend is “privileged.” If a party, lawyer, employee or other agent of a party or
4 counsel only gained access to the audio or video recordings covered by the TRO after October 22,
5 2015, they may state that under penalty of perjury and need not answer the questions further.

6 **IT IS SO ORDERED.**

7 Dated: December 30, 2015

8 
9 WILLIAM H. ORRICK
United States District Judge